IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 0.440B2C2
Plaintiff,) 8:11CR362)
vs.)) DETENTION ORDER
JOSE CARLOS MONTES-AGOSTA,	,
Defendant.	,
A. Order For Detention After waiving a detention hearing pursuant to Act on October 28, 2011, the Court orders pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform s the above-named defendant detained
B. Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the x By clear and convincing evidence that will reasonably assure the safety of a	because it finds: nce that no condition or combination of appearance of the defendant as required. no condition or combination of conditions
distribute methamphetame 846 and the possession we (Count II) in violation of 21 sentence of ten years imprisonment. (b) The offense is a crime of (c) The offense involves a nate (d) The offense involves a lawit:	and includes the following: a offense charged: to distribute and possess with intent to hine (Count I) in violation of 21 U.S.C. § with intent to distribute methamphetamine U.S.C. § 841(a)(1) each carry a minimum imprisonment and a maximum of life violence. Arcotic drug. Arge amount of controlled substances, to
may affect wheth X The defendant hat X The defendant hat X The defendant hat X The defendant is X The defendant defendant defendant defendant hat The defendant hat	of the defendant including: opears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community. the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at

(b) At the time of the current arrest, the defendant was on: Probation	
Parole	
Release pending trial, sentence, appeal or completi	on of
sentence.	OH OH
(c) Other Factors:	
	ct to
X The defendant is an illegal alien and is subje	Ct to
The defendant is a legal alien and will be subje	ct to
deportation if convicted.	Ct to
	ment
X_ The Bureau of Immigration and Custom Enforce (BICE) has placed a detainer with the U.S. Marshal.	Helli
Other:	
X (4) The nature and seriousness of the danger posed by the defend	ant's
release are as follows: The nature of the charges in the Indictment.	ant o
roloade are actoriowe. The flatare of the charges in the introduction.	
X (5) Rebuttable Presumptions	
In determining that the defendant should be detained, the Court also r	elied
on the following rebuttable presumption(s) contained in 18 U.S.	
3142(e) which the Court finds the defendant has not rebutted:	J. 3
X (a) That no condition or combination of conditions will reason	nably
assure the appearance of the defendant as required and the s	
of any other person and the community because the Court finds	
the crime involves:	Julian
(1) A crime of violence; or	
X (2) An offense for which the maximum penalty i	s life
imprisonment or death; or	J J
X (3) A controlled substance violation which has a max	kimum
penalty of 10 years or more; or	· · · · · · · · · · · · · · · · · · ·
(4) A felony after the defendant had been convicted	of two
or more prior offenses described in (1) through	
above, <u>and</u> the defendant has a prior conviction	
one of the crimes mentioned in (1) through (3) a	
which is less than five years old and which	
committed while the defendant was on pretrial rele	
X (b) That no condition or combination of conditions will reason	
assure the appearance of the defendant as required and the s	
of the community because the Court finds that there is prob	
cause to believe:	Jabie
	مالما
X (1) That the defendant has committed a control substance violation which has a maximum pena	
	ity Oi
10 years or more.	dor 19
(2) That the defendant has committed an offense ur	
U.S.C. § 924(c) (uses or carries a firearm during	
in relation to any crime of violence, including a crim	
violence, which provides for an enhanced punish	
if committed by the use of a deadly or dange	Prous
weapon or device).	

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

2. The defendant be afforded reasonable opportunity for private consultation with counsel; and

3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 28, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge